IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 2641 of 2005

Between:

P. Rahmatulla Khan, S/o. Khader Khan,
(Municipalities), 17/394, N.V.R. Street,

Madanapalle, Chittoor District.

..... PETITIONER

AND

The Madanapalle Municipal Council,

Rep. by its Commissioner,
Madanapalle Town, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the resolution numbers 151 and 168 dated 9-9-2004 passed by the respondent herein as arbitrary, illegal and against the principles of natural justice and set-aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondent: MR.S.I.NEWTON

The Court at the stage of admission made the following:

ORDER:

Seeking Writ of Mandamus, declaring the resolution No.151 and 168, dated 09.09.2004, passed by the respondent, as arbitrary and illegal, the present writ petition is filed.

It is stated that the respondent Municipality issued tender notice in ROC No.1658/2004/E1, dated 12.08.2004 calling for tenders for about 46 works and the petitioner applied for certain works mentioned in the tender notification and he was the lower bidder for the work Nos.6 and 24. But in the general body meeting dated 09.09.2004, the respondent Municipality passed a resolution, deciding that the petitioner could not be permitted to participate in any of the works because he was involved in criminal cases. Being aggrieved by the resolution passed by the respondent Municipality, the petitioner is constrained to file this writ petition.

Heard the learned counsel for the petitioner and the leaned standing counsel for the respondent Municipality.

As per Section 59 of the A.P.Municipalities Act, 1956 (for short "the Act"), the Government is empowered to cancel or suspend any resolution or representation, which was passed contrary to the provisions of the Act. The petitioner, without availing such statutory remedy, straight away approached this Court by filing this writ petition, which is not maintainable.

In the circumstances, the Writ Petition is dismissed. No order as to costs. It is needless to mention that the petitioner may approach the Government under Section 59 of the Act

against the impugned resolution.

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ELIPE DHARMA RAO,J

Dated: 22.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

The Madanapalle Municipal Council,

Madanapalle Town,

Chittoor District

2. Two CD copies

3. 1 CC to MR.NEWTON

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